

News Release

Senator Pete V. Domenici

FOR IMMEDIATE RELEASE

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PRESIDENT SIGNS BILL THAT INCLUDES PROVISION TO END N.M. BONDING REQUIREMENT ON WIPP

Domenici Added Language to Emergency Supplemental Package

WASHINGTON -- President Clinton today signed into law legislation that includes a provision authored by U.S. Senator Pete Domenici to prohibit the state of New Mexico from continuing to impose a \$100 million closure bond on the Waste Isolation Pilot Plant.

The president on Thursday signed the FY2001 Military Construction Appropriations Bill (H.R.4425), which includes a \$11.2 billion emergency supplemental appropriations package that includes the Domenici-authored WIPP amendment, as well as a wide variety of emergency funding for New Mexico. The largest bulk of this funding is \$661 million related to compensating victims of the Cerro Grande Fire.

Ending the bonding requirement, issued by the New Mexico Environment Department last fall with a mixed waste permit for WIPP, would clear the way for the Department of Energy (DOE) to release \$20 million in federal impact assistance money that has been used to leverage funding for highway projects around the state.

"I hope this finally puts this issue to rest," Domenici said. "The NMED should now follow the law and fall in line with the Environmental Protection Agency which has closely regulated WIPP and deemed it safe to receive shipments."

"The NMED bond demand is unprecedented and has caused unnecessary delays on important road work. WIPP is already the most closely monitored and studied facility of its kind. Because it is also backed by the full faith and credit of the United States, the federal government is already legally responsible for any clean-up costs related to eventually closing WIPP. The state's bonding requirement is unreasonable and this new law unequivocally reaffirms that fact," he said.

The Domenici amendment stops the NMED's past, or future, efforts to impose a bond on the DOE for closing WIPP in the future. The amendment is written to make it absolutely clear to New Mexico state officials that this includes the existing requirements placed on WIPP.

The new law says that *"The State of New Mexico... may not enforce against the United States.... a requirement to post a bond or any other financial responsibility requirement related to closure of WIPP."*

When NMED issued its permit last October for mixed waste shipments to WIPP, it imposed a completion bond on the federal government or its contractor to guarantee clean-up of the WIPP site when it closes in about 35 years.

To keep its WIPP operations on schedule, DOE has attempted to begin meeting the bond requirement by using \$20 million in impact assistance given annually to New Mexico for hosting WIPP. This funding is linked to the 1992 agreement between the federal government and New Mexico, in which the state would receive \$20 million dollars annually for 15 years to cover road improvements related to WIPP shipments.

Also within the emergency supplemental package, Domenici gained a number of other provisions of benefit to New Mexico, including:

\$3 million in emergency funding to **reimburse New Mexico counties and cities** for the costs associated with federal drug cases. This funding is part of an amendment cosponsored by Domenici to provide \$12 million to be shared equally by New Mexico, Texas, Arizona and California to reimburse county and city governments for court costs, county and district attorney costs, criminal proceedings expenditures, and indigent defense.

\$5.7 million for the **Tactical High Energy Laser** (THEL) program at White Sands Missile Range. Provided through a Domenici amendment, the funding will ensure that this Army program has sufficient funding to continue testing at WSMR this year. THEL is funded through a cost-share arrangement between Israel and the United States. The Army Space and Missile Defense Command (SMDC), TRW, and test support personnel at WSMR have worked to coordinate the full array of planned tests for THEL. Based upon a government cost-to-completion estimate, an additional \$19.9 million is required to successfully complete THEL testing for this fiscal year. Under the cost share arrangements between the United States, Israel, and TRW, an additional U.S. share of \$5.7 million was required to meet this schedule.

\$192.5 million for the Department of Energy, of which roughly **\$74 million** is designated for work carried out at **Sandia and Los Alamos national laboratories** (not related to the Cerro Grande Fire). The New Mexico supplemental funding, none of which was requested by the administration, includes:

- c \$20 million to keep pit production on schedule at Los Alamos National Laboratory (\$5 million emergency supplemental for LANL pits, and \$15.4 million in reprogrammed funds from existing FY2000 accounts;
- c \$14 million for support of critical personnel and weapons activities at Sandia National Laboratories;
- c \$10 million for upgrades to the Transportation Safeguards Division based in Albuquerque for fleet security upgrades; and,
- c \$45 million to begin implementation of cyber security upgrades at the most critical areas of the three weapons laboratories. Sandia will be the lead laboratory for

developing the cyber-security architecture for the nuclear weapons complex.

Cerro Grande Fire: The supplemental appropriations bill provides **\$661 million** for New Mexico, and enacts the **Cerro Grande Fire Assistance Act** (S.2736), setting the process for compensating victims of the Cerro Grande Fire. The \$661 million includes:

- \$455 million for FEMA/Cerro Grande Fire Assistance Fund
- \$45 million FEMA/Cerro Grande Fire Assistance Claims Office
- \$138 million for Department of Energy/LANL Fire Recovery
- \$9 million for Bureau of Indian Affairs/Operation of Indian Programs
- \$10 million for Farm Service Agency/Emergency Conservation Program
- \$4 million for National Resources Conservation Service/Watershed & Flood Prevention Operations